

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ANTONIO JETER,

Plaintiff,

v.

REYES, et al.,

Defendants.

Case No.: 1:23-cv-0110 JLT SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
ACTION WITHOUT PREJUDICE, AND  
DIRECTING THE CLERK OF COURT TO  
CLOSE THE CASE

(Doc. 14)

Antonio Jeter seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. On July 17, 2023, the magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff did not state a cognizable claim upon which relief could be granted. (Doc. 12.) Plaintiff was granted 21 days to file an amended complaint. (*Id.* at 13.) The Court also informed Plaintiff that if he failed to do so, the magistrate judge would "recommend that this action be dismissed, without prejudice, for failure to obey a court order and for failure to prosecute." (*Id.*, emphasis omitted.)

After Plaintiff did not file an amended complaint or otherwise respond to the screening order, the magistrate judge found Plaintiff failed to prosecute his case and failed comply with the Court's order. (Doc. 14.) Therefore, the magistrate judge recommended the action be dismissed. (*Id.* at 4.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days of the date of service. (*Id.*) The Court also advised him

1 that the “[f]ailure to file objections within the specified time may result in waiver of his rights on  
2 appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*,  
3 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections were filed.

4 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of the case.  
5 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations  
6 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on August 16, 2023 (Doc. 14) are  
8 **ADOPTED** in full.
- 9 2. This action is **DISMISSED** without prejudice for Plaintiff’s failure to obey court  
10 orders and failure to prosecute.
- 11 3. The Clerk of Court is directed to close this case.

12 IT IS SO ORDERED.

13  
14 Dated: **September 6, 2023**

  
UNITED STATES DISTRICT JUDGE